

REMARKS

- 1) We confirm our election of Group I directed to claims 1-18, in response to the Examiner's restriction requirement of September 11, 2008. Claims 19 and 20 are cancelled pursuant to the instant amendment, without prejudice.
- 2) The Examiner has provisionally rejected claims 1-18 under the non-statutory, judicially created doctrine of obviousness-type double patenting over claims 1-19 of copending U.S. Pat. App. 10/575,332. The Examiner has further provisionally rejected claims 1-18 under the non-statutory, judicially created doctrine of obviousness-type double patenting over claims 1-19 of copending U.S. Pat. App. 10/577,870. It should be noted that claims 3-9 and 12-20 are now cancelled pursuant to the instant amendment. Regarding the remaining claims 1, 2, 10, and 11, Applicants have submitted terminal disclaimers relating to each of the cited copending applications under 37 CFR 1.321 since the conflicting applications are commonly owned with this application. Thus, it is respectfully submitted that these grounds of rejection have been overcome.
- 3) The Examiner has rejected claims 1, 2, 4-7, and 12-15 under 35 U.S.C. 102 over JP 2001-221908 or JP 2002-129259. It should be noted that claims 4-7 and 12-15 have been cancelled by the instant amendment. Regarding the remaining claims 1 and 2, it is respectfully asserted that this ground of rejection has been overcome by the instant amendment.

Claim 1 has been amended to provide a silver alloy for use in a reflective film, consisting essentially of: silver; gold as a first dopant element; and any of zinc, indium, terbium, gadolinium, neodymium, holmium, yttrium, praseodymium, samarium, ytterbium, lanthanum, or cerium as a second dopant element, wherein a total of the concentration of the first dopant element and the concentration of the second dopant element are 0.01 to 2.0 atomic %. Claim 2 has been amended to provide a silver alloy for use in a reflective

film, consisting essentially of: silver; palladium as a first dopant element; and any of magnesium, zinc, indium, terbium, gadolinium, neodymium, holmium, yttrium, praseodymium, samarium, ytterbium, lanthanum, or cerium as a second dopant element, wherein a total of the concentration of the first dopant element and the concentration of the second dopant element are 0.01 to 2.0 atomic %.

While JP '908 relates to a silver alloy containing silver and palladium, or silver and gold, with an additional material selected from Al, Pt, Cu, Ta, Cr, Ti, Ni, Co, and Si. However, this reference clearly does not teach a silver alloy with gold or palladium in addition to one or more of the *presently required* second dopant elements. That is, JP '908 does not teach a silver alloy with gold or palladium, which further includes any of zinc, indium, terbium, gadolinium, neodymium, holmium, yttrium, praseodymium, samarium, ytterbium, lanthanum, or cerium, or in certain cases magnesium. It is submitted that the absence of these materials of the presently amended claims from the cited reference renders the present invention patentably distinct from JP '908.

Regarding JP '259, this reference relates to an alloy of silver and gold, which further includes an additional material selected from Cu, Al, Ti, Pd, Ni, V, Ta, W, Mo, Cr, Ru, and Mg. Applicants respectfully submit that nowhere in JP '259 is an alloy taught which consists essentially of silver and gold in addition to any of zinc, indium, terbium, gadolinium, neodymium, holmium, yttrium, praseodymium, samarium, ytterbium, lanthanum, or cerium. Thus, it is urged that the absence of the required second dopant materials of the presently amended claims from the cited reference renders the present invention patentably distinct from JP '259.

For all of the above reasons, it is respectfully urged that the 35 U.S.C. 102 rejection based on JP 2001-221908 or JP 2002-129259 has been overcome.

4) The Examiner has rejected claims 1, 2, 3, 7, 10, 11, and 15 under 35 U.S.C. 102 over JP 2002-332568. It should be noted that claims 3, 7, and 15 are now cancelled by the

instant amendment. Regarding the subject matter of remaining claims 1, 2, and their respective dependents 10 and 11, Applicants respectfully assert that this ground of rejection has been overcome.

JP '568 relates to a sputtering target material which includes a silver alloy containing small amounts of a component (A) selected from germanium, gallium, or antimony, in addition to small amounts of a component (B) selected from gold, palladium, platinum, and possibly copper. However, as stated above, the presently amended claims 1 and 2 now require a silver alloy which consists essentially of silver and a first dopant element of either gold or palladium, in addition to a second dopant element selected from the list provided in the presently amended claims. It is urged that, like JP 2001-221908 or JP 2002-129259 above, JP 2002-332568 also fails to teach the presently claimed alloy which must contain any of zinc, indium, terbium, gadolinium, neodymium, holmium, yttrium, praseodymium, samarium, ytterbium, lanthanum, or cerium, or in certain cases magnesium. Applicants submit that the absence of these materials of the presently amended claims from the cited reference renders the present invention patentably distinct from JP '568. Thus, it is urged that the 35 U.S.C. 102 rejection has been overcome.

5) The Examiner has rejected claims 8-9 and 16-18 under 35 U.S.C. 103 over JP 2001-221908 or JP 2002-129259. Applicants point out that claims 8-9 and 16-18 are cancelled according to the present amendment, and thus it is submitted that this ground of rejection is now moot.

Nevertheless, it is again submitted that neither of JP '908 nor JP '259 teach or suggest a silver alloy as now presently required, which consisting essentially of: silver; palladium or gold as a first dopant element; and any of zinc, indium, terbium, gadolinium, neodymium, holmium, yttrium, praseodymium, samarium, ytterbium, lanthanum, or cerium as a second dopant element, wherein a total of the concentration of the first dopant element and the concentration of the second dopant element are 0.01 to 2.0 atomic %. Applicants urge that there is no motivation in the cited art which would have inspired one

RECEIVED
CENTRAL FAX CENTER
FEB 10 2009

of ordinary skill in the art to formulate the presently claimed alloys. That is, an artisan having common sense at the time of the invention would not have reasonably considered modifying the silver alloys of JP '908 or JP '259 to instead contain the second dopant elements now required by the present claims, and which are not disclosed anywhere in the cited art. It is again respectfully submitted that the 35 U.S.C. 103 rejection is now moot in view of the cancellation of claims 8-9 and 16-18.

The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the Examiner believes there is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,



Marisa A. Roberts
Reg. No. 43,048
P.O. Box 484
Princeton, New Jersey 08542
(609) 921-3500
Date: February 10, 2009

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (FAX No. 571-273-8300) on February 10, 2009



Marisa A. Roberts
Reg. No. 43,048